

WEST NORTHAMPTONSHIRE COUNCIL

18 May 2023

Report by the Democracy and Standards Committee

Report Title	Updates to the Constitution - Planning Committees
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Contributors/Checkers/Approvers

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List of Appendices

None

1. Purpose of Report

- 1.1. The purpose of this report is to enable Council to consider the recommendations made by the Democracy and Standards Committee in relation to proposed updates to the Constitution in relation to the structure and operation of the Council's Planning Committees.

2. Executive Summary

- 2.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Council must operate in accordance with its Constitution and the rules

set out in it. The Constitution is divided into different parts which set out the basic rules governing the Council's business as well as some of the detailed rules.

- 2.2 At their meetings on 9 March and 20 April 2023, the Democracy and Standards Committee considered recommendations arising from an external review of the Council's planning function, which was undertaken by the Planning Advisory Service (PAS). The outcome of the review was also reported to Cabinet at the meeting held on 11 April 2023.
- 2.3 The Democracy and Standards Committee considered the report and have made recommendations to Council on the recommendations that fall within the committee's remit i.e. the structure and operation of planning committees and the associated constitutional arrangements.

3. Recommendations

- 3.1 It is recommended that Council:
- a) Note the decision taken at the previous meeting to abolish the existing three Local Area Planning Committees and the establishment of two new Planning Committees;
 - b) Approve the following recommendations of the Democracy and Standards Committee:
 - i. That the Planning Committee – North be composed of eleven members and be constituted to deal with planning applications falling within the following wards: Braunston & Crick, Brixworth, Moulton, Long Buckby, Daventry West, Daventry East, Woodford & Weedon, Duston West & St Crispin, Duston East, Dallington Spencer, Abington & Phippsville, Kingsthorpe North, Kingsthorpe South, Boothville & Parklands, Headlands, Talavera and Billing & Rectory Farm;
 - ii. That the Planning Committee – South be composed of eleven members and be constituted to deal with planning applications falling within the following wards: Bugbrooke, Towcester & Roade, Hackleton & Grange Park, Silverstone, Deanshanger, Middleton Cheney, Brackley, St George, Sixfields, East Hunsbury & Shelfleys, Delapre & Rushmere, Castle, Riverside Park and Nene Valley.
 - iii. That the Planning Committee – North will meet in Northampton and the Planning Committee – South will meet in Towcester, except where the applications on the agenda are exclusively located within Northampton wards;
 - iv. That meetings of both Planning Committees convene at 6pm, subject to the provisions of the Constitution;
 - v. That named substitutes be permitted but limited to 2 Conservative, 1 from each of the other groups, to be drawn exclusively from the other Planning Committee and/or the Strategic Planning Committee;
 - vi. That the threshold for applications to be determined by the Planning Committees be amended as set out in section 5.5 below;
 - vii. That the threshold for applications to be determined by the Strategic Planning Committee be amended as set out below;
 - viii. That Section 17 of the Planning Protocol (Development Proposals submitted by Councillors and Officers) be amended to clarify that planning proposals submitted by Councillors should be determined by the Planning Committee that does not cover the ward the member represents.

- c) Note the retention of the Strategic Planning Committee and the Planning Policy Committee as currently structured.
- d) Agree that these changes come into effect immediately and will be reviewed by the Democracy and Standards Committee, in consultation with Planning Committee chairs after a period of six months.
- e) Delegate to the Monitoring Officer the power to make these amendments and any consequential amendments that may be necessary.

4. Reason for Recommendations

- 4.1 Keeping the Constitution under regular review helps ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making.
- 4.2 In this instance the recommendations form part of the Council's response to the review undertaken by the Planning Advisory Service (PAS) and therefore seeks to ensure that the Council's planning function is effective, reflects national good practice and supports the Council's duty as Local Planning Authority.
- 4.3 The Democracy and Standards Committee considered its recommendations over a number of meetings. Having received data regarding the distribution of planning applications, across West Northamptonshire, the Committee took the view that its recommendations would result in an effective and practical response to the recommendations made by the PAS.

5. Report Background

- 5.1 The PAS prepared a report following a review of the Planning Service. This was a broad review looking at the whole service and not just the governance arrangements. The report was presented to Cabinet on 11 April 2023 together with an action plan, as well as to the Democracy and Standards Committee on 20 April 2023. The recommendations made by PAS that impact on the structure and operation of planning committees are:
 - 5.1.1 improve culture and practice of planning committees to reduce the risk to the council including eliminating the use of substitute members on planning committees.
 - 5.1.2 ensure that householder and minor applications only go to committee in exceptional circumstances.
 - 5.1.3 trial a significantly reduced number of committees with a proportionate geographical spread (based on workload).
- 5.2 Following consideration by the Democracy and Standards Committee at its their meetings on 9 March and 20 April 2023, a number of changes to the Constitution are proposed.
- 5.3 The headline recommendation is reflective of the outline decision taken by the Council at its meeting on 23 March 2023; that the existing three local area planning committees be abolished

and replaced with two new committees; Planning Committee – North and Planning Committee - South.

5.4 The remaining recommendations deal with more detailed aspects of the operation of these committees as summarised below:

5.4.1 That a Planning Committee – North be established to deal with planning applications falling within the following wards:

- Braunston & Crick;
- Brixworth;
- Moulton;
- Long Buckby;
- Daventry West;
- Daventry East;
- Woodford & Weedon;
- Duston West & St Crispin;
- Duston East;
- Dallington Spencer;
- Abington & Phippsville;
- Kingsthorpe North;
- Kingsthorpe South;
- Boothville & Parklands;
- Headlands;
- Talavera; and
- Billing & Rectory Farm

5.4.2 That a Planning Committee – South be established to deal with planning applications falling within the following wards:

- Bugbrooke
- Towcester & Roade
- Hackleton & Grange Park
- Silverstone
- Deanshanger
- Middleton Cheney
- Brackley
- St George
- Sixfields
- East Hunsbury & Shelfleys
- Delapre & Rushmere
- Castle
- Riverside Park; and
- Nene Valley.

5.4.3 That both committees be composed of eleven members, appointed according to the requirement of political proportionality as required by the Local Government and Housing

Act 1989. The allocation of seats to political groups that will apply to the committees is dealt with elsewhere on this agenda.

- 5.4.4 That the Planning Committee – North will meet in Northampton and the Planning Committee – South will meet in Towcester, except where the applications on the agenda are located exclusively within Northampton or northern wards.
- 5.4.5 That meetings of both Planning Committees convene at 6pm, subject to the provisions set out in Part 3 of the Constitution, section 3.7 (Committee and Sub-Committee Meeting Procedure Rules).
- 5.4.6 That named substitutes be permitted, to be drawn exclusively from the other Planning Committee or the Strategic Planning Committee. The number of substitutes at each meeting will be limited to 2 Conservatives and 1 each for each of the other groups.
- 5.4.7 That the threshold for applications to be determined by the Planning Committees – North and South be amended as set out in section 5.5.
- 5.4.8 That the threshold for applications to be determined by the Strategic Planning Committee be amended as set out below.
- 5.4.9 That Section 17 of the Planning Protocol (Development Proposals submitted by Councillors and Officers) be amended to clarify that planning proposals submitted by Councillors should be determined by the Planning Committee that does not cover the ward the member represents.

5.5 In terms of the Constitution, the following changes are required.

Section 4.0 (Committees)

4.4 Strategic Planning Committee, 4.4.2 (Role and Functions):

- a) Functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities Functions and Responsibilities (England) Regulations 2000 including in relation to strategic applications meeting the thresholds set out in (i), (ii) and (iii) below
 - i. Large-scale major developments defined (by the Government’s planning application statistical returns) as those of 200 houses (~~or 2 hectares~~) or more
 - ii. Commercial developments of 10,000 square metres (~~or 2 hectares~~) or more
 - iii. Strategically important developments (as identified by the Assistant Director - Planning, following consultation with the Chair of the Planning Committee for the area in which the development is proposed **and the Cabinet Portfolio Holder for Planning**).
- b) Applications called-in that cross the boundary of ~~two local area committees~~ **Planning Committee – North and Planning Committee - South**.
- c) Any application where the Assistant Director – Planning considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses.

d) There shall be no referral of applications from Strategic Planning Committee to ~~Local Area Planning committee – North or Planning Committee - South.~~

4.4 Planning Committee - North and Planning Committee – South (note – this section replaces the existing section 4.4 in its entirety)

4.5.1 Planning Committee – North. Members 11: Quorum 4. Appointments will be made having regard to the rules on political proportionality.

4.5.2 Planning Committee – North shall determine applications as set out below and which fall within, or mainly within, the following wards:

- Braunston & Crick;
- Brixworth;
- Moulton;
- Long Buckby;
- Daventry West;
- Daventry East;
- Woodford & Weedon;
- Duston West & St Crispin;
- Duston East;
- Dallington Spencer;
- Abington & Phippsville;
- Kingsthorpe North;
- Kingsthorpe South;
- Boothville & Parklands;
- Headlands;
- Talavera; and
- Billing & Rectory Farm

4.5.3 Planning Committee – South. Members 11: Quorum 4. Appointments will be made having regard to the rules on political proportionality.

4.5.4 Planning Committee – South shall determine applications as set out below and which fall within, or mainly within, the following wards:

- Bugbrooke
- Towcester & Roade
- Hackleton & Grange Park
- Silverstone
- Deanshanger
- Middleton Cheney
- Brackley
- St George
- Sixfields
- East Hunsbury & Shelfleys
- Delapre & Rushmere

- Castle
- Riverside Park; and
- Nene Valley.

4.5.5 Planning Committee – North and Planning Committee – South shall consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Assistant Director – Planning considers it inappropriate to exercise delegated powers having considered public representations and consultee responses. These include:

- a. Major Developments below the limits set for the Strategic Planning Committee;
- b. Major residential development of 10 or more dwellings
- c. Major commercial development where the floorspace is more than 1000 sq. m
- d. Development on sites over 1 hectare (in cases of an outline application where the number of dwellings or floor space is not specified)
- e. Changes of use more than 1000 sq.m
- f. Gypsy and traveller sites – 10 or more pitches

4.5.6 Minor developments shall only be referred to the North and South Planning Committees in exceptional circumstances (as determined by the Assistant Director – Planning) or where called in by a councillor in accordance with the procedure set out within the Planning Protocol. A minor development is any application that involves:

- a. Residential development of between one and nine dwellings
- b. Development where the floorspace is less than 1,000 sq m
- c. Development on sites less than one hectare
- d. Changes of use less than 1,000 sq m
- e. Gypsy and traveller sites – up to nine pitches

There are other types of applications also classed as minor developments, such as:

- f. Householder applications
- g. Adverts
- h. Listed building consent
- i. Or anything that is not considered to be a major planning application as previously identified.

4.5.6 There shall be no referral up of applications from the Local Area Planning committees to the Strategic Planning Committee

4.5.7 Members shall not participate as members of a Local Area Planning Committee until they have received appropriate training in respect of their functions on the committee.

4.5.8 The Assistant Director - Planning, after consultation with the relevant Portfolio Holder, shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant Local Area Planning Committee.

Section 5.0 (executive) – Planning Policy Committee

Paragraph 5.2.15 to be amended to reflect the reduction in the number of planning committees and corresponding reduction in the number of committee chairs:

Membership shall consist of:

- a) Three Executive Members
- b) Six ~~Seven~~ Non-Executive Members (3 ~~4~~ Conservative, 2 Labour, 1 Liberal Democrat) to include the Chairs of the North and South Planning Committees and Strategic Planning Committee.

Section 8.0 (Councillors) – 8.5 (Planning Protocol

General - update references to Local Area Planning Committees to read 'North and South Planning Committees'.

Section 17 (Development Proposals submitted by Councillor and Officers) insert new paragraph between existing paragraph 17.4 and 17.5:

- 17.5 An application submitted by a member in accordance with paragraph 17.1 shall be dealt with by the Planning Committee other than the committee that covers the area the member represents (e.g. if the member represents a ward covered by the Planning Committee – North, the application shall be dealt with by the Planning Committee – South).

5 Issues and Choices

5.4 The issues and choices insofar as they relate to the operation of the Constitution are set out in section 5 above.

6 Implications (including financial implications)

6.4 Resources and Financial

6.4.1 There are no financial implications arising directly as a result of the Constitution review process. The saving to the budget for members' allowances resulting from a reduction in the number of planning committees is offset by the addition of a fourth overview and scrutiny committee, as agreed by the Council at its last meeting.

6.5 Legal

6.5.1 Every local authority is under a legal duty to prepare and keep up to date its Constitution. In particular, section 9P of the Local Government Act 2000 requires the Constitution to contain:

- a) a copy of the authority's standing orders;
- b) a copy of the authority's code of conduct;
- c) such information as the Secretary of State may direct; and
- d) such other information (if any) as the authority considers appropriate.

6.5.2 Regular review of the Constitution helps to ensure these legal requirements are met. The amendment set out above will assist in ensuring the Council is able to operate in a lawful manner

6.6 Risk

6.6.1 There are no significant risks arising from this report. Reviewing the Constitution helps to reduce any risks that could arise as a result of the Constitution not properly supporting decision making and delivery of Council services.

6.7 Consultation and Communications

6.7.1 Consultation was undertaken with the Democracy and Standards committee prior to recommendations being submitted to Council. The proposed changes to the Planning Committees will be communicated widely to the public to ensure residents and kept informed and updated.

6.8 Consideration by Overview and Scrutiny

6.8.1 Not applicable to this report.

6.9 Climate Impact

6.9.1 None specific.

6.10 Community Impact

6.10.1 None specific.

7 Background Papers

7.4 Report to Cabinet, 11 April 2023: [Agenda for Cabinet on Tuesday 11th April 2023, 6.00 pm - West Northamptonshire Council \(moderngov.co.uk\)](#)

7.5 Report to Democracy and Standards Committee, 19 April 2023: [Agenda for Democracy and Standards Committee on Wednesday 19th April 2023, 6.00 pm - West Northamptonshire Council \(moderngov.co.uk\)](#)